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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,345	01/06/2004	Luc Mainville	055189-0011	4226
20572 GODFREY & I	7590 11/26/200 KAHN S.C.	8	EXAMINER	
780 NORTH W	ATER STREET		CHAPMAN, JEANETTE E	
MILWAUKEE, WI 53202			ART UNIT	PAPER NUMBER
			3633	
			MAIL DATE	DELIVERY MODE
			11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.		Applicant(s)	
10/752,345		MAINVILLE, LUC	
Examiner		Art Unit	
	Jeanette E. Chapman	3633	

NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's rely has overcome the following rejection(s):  For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) rejected: 1.5.  Claim(s) rejected: 1.5.  Claim(s) withdrawn from consideration:  AEFIDAVIT OR OTHER EVIDENCE  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a b		·
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must intelly file one of the following replies: (1) an amendment, affadix, or other avidance, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expires	The MAILING DATE of this communication appears on the co	ver sheet with the correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expires	THE REPLY FILED <u>18 November 2008</u> FAILS TO PLACE THIS APPLICATION	N IN CONDITION FOR ALLOWANCE.
a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examer Note: If box 1 is checked, check cither box (3) or (6), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706 (07(f)).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee was forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, over if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed any reply must be filed within the time period set forth in 37 CFR 41.37(a). The proposed amendment (s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) MENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (b) They raise he issue of new matter (see NOTE below);  (b) They raise he issue of hew matter (see NOTE below);  (c) They are a	application, applicant must timely file one of the following replies: (1) an application in condition for allowance; (2) a Notice of Appeal (with appeal for Continued Examination (RCE) in compliance with 37 CFR 1.114. The	amendment, affidavit, or other evidence, which places the I fee) in compliance with 37 CFR 41.31; or (3) a Request
b)		rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on	b) The period for reply expires on: (1) the mailing date of this Advisory Action, on event, however, will the statutory period for reply expire later than SIX MC Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK	or (2) the date set forth in the final rejection, whichever is later. In ONTHS from the mailing date of the final rejection.
<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (a)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.</li> <li>NOTE: (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s)</li> <li>7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>7. ☐ Interpropose of appeal, the proposed amendment(s): a) ☑ will not be entered of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, bu</li></ul>	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the pet have been filed is the date for purposes of determining the period of extension and the cunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statute set forth in (b) above, if checked. Any reply received by the Office later than three month may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	corresponding amount of the fee. The appropriate extension fee by period for reply originally set in the final Office action; or (2) as
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		aper No(s)

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments have been considered but are not deemed persuasive.